

FILED
SCRANTON

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MAY - 8 2014

PER *[Signature]*
DEPUTY CLERK

JAMES FAULK,

Petitioner

v.

WARDEN MONICA RECKTENWALD,
et al.,

Respondents.

CIVIL ACTION NO. 3:CV-14-120

(Judge Kosik)

ORDER

AND NOW, this *8th* day of May, 2014, IT APPEARING TO THE COURT
THAT:

- (1) Petitioner, James Faulk, an inmate confined at the Allenwood Federal Correctional Institution, White Deer, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on January 23, 2014;
- (2) In his petition, petitioner challenges the computation of his sentence by the federal Bureau of Prisons ("BOP");
- (3) The action was assigned to Magistrate Judge Thomas M. Blewitt for Report and Recommendation;
- (4) On April 11, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 12), wherein he recommended that the petition for writ of habeas corpus be denied;
- (5) Specifically, the Magistrate Judge found that the time period for which petitioner was seeking credit on his federal sentence was already credited toward his Pennsylvania parole revocation sentence;
- (6) To date, petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we agree with his recommendation that the petition for writ of habeas corpus should be denied in that petitioner cannot receive double credit for the time in question;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated April 11, 2014 (Doc. 12) is **ADOPTED**;

(2) The petitioner's petition for writ of habeas corpus is **DENIED**;

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Order to the Magistrate Judge; and,

(4) Based on the court's conclusions herein, there is no basis for the issuance of a certificate of appealability.



Edwin M. Kosik
United States District Judge